

US EPA ARCHIVE DOCUMENT

## **EPA Inspection and Enforcement Actions Under TSCA To Protect Vulnerable Populations**

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**Background and Objectives:** U.S. Environmental Protection Agency (EPA) inspectors are moving beyond sector-based approaches to addressing vulnerable populations. Childhood lead poisoning disproportionately harms children of color from low-income families. This study illustrates how an EPA inspector can provide the greatest benefit to this vulnerable population while enforcing the Section 1018 disclosure requirements for residential lead-based paint under the Toxic Substances Control Act (TSCA).

**Methods:** Compare different methods to identify inspection targets, collect information during inspections, and take enforcement actions, to identify best practices.

**Results:** Inspection targets should be selected based on a cross section of risk factors and the capacity for potential violators to respond. Existing databases (e.g., HHELPSS, EJ SEAT, EJ GAT, Dun & Bradstreet, Lexis/Nexis, NAHMA 100, etc.) provide such information. Data collected during inspections should include the age of children present, as younger children are at greater risk of lead exposure and trigger greater penalties under the enforcement policy. When violations are identified, supplemental environmental projects (SEPs) should be negotiated in lieu of penalty payments to the U.S. Treasury. SEPs will diminish risks to children and, under SEP policy, can be expanded when Medicaid support to protect children from lead is unavailable.

**Conclusion:** TSCA inspections and enforcement can focus on vulnerable populations (i.e., children of color from low-income families) rather than sectors (i.e., owners and managers of pre-1978 housing). The most effective actions incorporate components of both approaches. This comprehensive approach may serve as a model to other statutory inspection and enforcement programs.